

Notice of Allowability

Application No.

09/484,363

Examiner

Christopher J. Novosad

Applicant(s)

HAMBLET JR., TRACY E.

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3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed March 2, 2004.
2. ☒ The allowed claim(s) is/are 1-31, 39-42 and 44-54.
3. ☒ The drawings filed on 18 January 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to show or suggest a method of applying polyacrylamide (PAM) for stabilizing soil particles of a land area from erosive movement about the land area, the method comprising establishing a uniform mixture ratio for a mixture of PAM and water to be applied to a land area; calculating a total application rate for applying the mixture to the land area; mixing PAM with water according to the uniform mixture ratio to form a mixture for application to the land area; applying the mixture to a top surface of soil of the land area; and terminating the application of the mixture when PAM reaches sufficient depth penetration below a top surface of the soil as specifically called for in the claimed combination in claim 1.

The prior art of record also fails to show or suggest a method of applying polyacrylamide (PAM) for stabilizing soil particles of a land area from erosive movement about the land area, the method comprising establishing a uniform mixture ratio for a mixture of PAM and water to be applied to a land area; calculating a total application rate for applying the mixture to the land area; mixing PAM with water according to the uniform mixture ratio to form a mixture for application to the land area; applying the mixture to a top surface of soil of the land area by misting a top surface of the land area with the mixture for producing a tack coat of the PAM for initially stabilizing topmost soil particles on the top surface of the land area against soil particle movement caused by any subsequent mixture applications as specifically called for in the claimed combination in claim 17.

The prior art of record further fails to show or suggest a method of applying polyacrylamide (PAM) for stabilizing soil particles of a land area from erosive movement about

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the land area, the method comprising mixing PAM with water to form a mixture for application to the land area; applying the mixture to a top surface of soil of the land area until the soil of the land area becomes saturated, and stopping the application of the mixture when the top surface becomes saturated and the mixture accumulates on the surface rather than being absorbed into the ground and the mixture on the top surface reflects ambient light; and terminating the application of the mixture when PAM penetrates below a top surface of the soil as specifically called for in the claimed combination in claim 39.

It is to be noted that Le *et al.* discloses a **variable** ratio which teaches away from the “uniform mixture ratio” recited in claims 1 and 17.

It is to be further noted that while Salestrom discloses the application of PAM with water to soil, Salestrom fails to show the step of “terminating the application of the mixture when PAM penetrates below a top surface of the soil” as recited in claim 39.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 703-308-2246. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Thomas Will can be reached at 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher J. Novosad
Primary Examiner
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July 9, 2004